

THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

Frank Gordon Harris

Debtor(s)

CHAPTER 7

BANKRUPTCY NO. 19-05716-dd

**SETTLEMENT ORDER
ON MOTION FOR RELIEF FROM
AUTOMATIC STAY**

This matter came before the Court on the motion filed by Fifth Third Bank, National Association, (“Movant”), for relief from the 11 U.S.C. §362 automatic stay. The Chapter 7 Trustee Kevin Campbell filed an objection to the motion on November 26, 2019. The Debtor did not file an objection.

It appears that the Movant and Trustee have agreed that the automatic stay should remain in place in order to provide the Trustee the opportunity to sell the Debtor’s property located at 606 Laurel Avenue, Port Clinton, OH 43452, Ottawa County, (“Property”), within a period of one hundred and twenty (120) days from the date of this Order. Movant agrees to waive any claim that may arise under 11 U.S.C. Section 503(b) or Section 507(b) as a result of this Order. Movant further agrees that any funds realized from the sale of the collateral, in excess of all liens, costs, and expenses, will be paid to the Trustee. The Movant and Trustee wish to incorporate this agreement into an Order of this Court. Therefore,

IT IS ORDERED that the motion to modify the automatic stay filed by the Movant be denied and that the automatic stay remain in place in order to provide the trustee an opportunity to sell the Property. Should the Trustee fail to sell the Property within a period of one hundred

and twenty (120) days from the date of this Order, relief from stay may be provided without further hearing upon the filing of an affidavit of default by Movant and the entry of the proposed order by the Court.

IT IS SO ORDERED.

FILED BY THE COURT
12/10/2019



Entered: 12/11/2019

David R. Duncan
Chief US Bankruptcy Judge
District of South Carolina

WE CONSENT:

/s/John B. Kelchner

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